

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CAROLINE CLARK,)	
Plaintiff)	
)	
vs.)	CIVIL ACTION NO.
)	A-12-CA-007-SS
AUSTIN MONTESSORI SCHOOL,)	
INC.,)	
Defendant)	

ORAL DEPOSITION OF
LUCINDA CASTILLO
FEBRUARY 27, 2012

ORAL DEPOSITION OF LUCINDA CASTILLO, produced as a witness at the instance of the Plaintiff and duly sworn, was taken in the above-styled and numbered cause on the 27th day of February, 2012, from 10:05 a.m. to 10:44 a.m., before Kim Furr, RPR, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of The Cook Law Firm, 919 Congress Avenue, Suite 1145, Austin, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

1 A. No.

2 Q. Did you get a contract for your job?

3 A. No.

4 Q. During the interview, did you talk about how
5 long you would work as a bus driver?

6 A. No.

7 Q. Did you ever talk about a specific length of
8 time that you would work?

9 A. No.

10 MR. GONZALES: Objection; form.

11 Q. (By Ms. Jacobs) You told me about how you
12 were offered \$16 an hour and it's an hour each way.

13 A. Yes.

14 Q. Can you tell me just a little bit about what
15 it is that you're doing during those three hours?

16 MR. GONZALES: Object to the form of the
17 question.

18 A. I get to the main office, and it takes me
19 about 30 minutes to get to the North Austin location,
20 and I have to be there right before 8:00. At 8:00, I
21 get the students on the bus and we turn around and head
22 back south and go to the main office; drop off those
23 children and then head to the Gaines Creek campus and
24 drop off the high school students and then go back to
25 the main office.

1 Q. Is there anything else you have to buy to do
2 your job?

3 A. No.

4 Q. Do you have a supervisor at the school?

5 A. Dawn.

6 Q. What kind of supervision does Dawn provide
7 over your work?

8 A. Well, if I -- I mean, we haven't really had
9 to. I'm pretty much self-sufficient and I drive -- just
10 drive the bus.

11 Q. Do you ever speak with Dawn?

12 A. Every day.

13 Q. And do you usually speak with her before or
14 after the morning route or before or after the afternoon
15 route?

16 A. Before the afternoon route, most of the time.

17 Q. And can you describe what you talk about with
18 her that's related to the bus --

19 MR. GONZALES: Objection; form.

20 Q. (By Ms. Jacobs) -- or the route?

21 MR. GONZALES: Objection; form.

22 A. Just everyday -- just small talk, really.

23 Q. (By Ms. Jacobs) So do you let her know
24 each time you go to get gas?

25 A. I don't need to.

1 Q. So you would find someone or the school would
2 find someone?

3 MR. GONZALES: Objection; form.

4 A. No, the school.

5 Q. (By Ms. Jacobs) Is there any particular
6 procedure that you would need to follow if you were
7 not able to come in?

8 A. I haven't had to, so I don't know.

9 Q. Have you ever been told of a procedure that
10 you would need to follow in case you can't come in?

11 A. No.

12 Q. Do you have any other jobs right now?

13 A. Odd jobs.

14 Q. Do any of your other jobs involve driving a
15 bus?

16 A. No.

17 Q. Do any of your other jobs involve driving at
18 the job other than just driving to and from the job?

19 A. Wait, repeat that again.

20 Q. I'm sorry, that was confusing.

21 Do any of your jobs actually involve
22 driving as a part of the job?

23 A. Just to and from, yeah.

24 Q. But not for the actual job?

25 A. Right.

1 Q. Now, the schedule that you testified to is by
2 virtue of the bus route itself. Correct?

3 A. Correct.

4 Q. So does anyone ever tell you when you have to
5 arrive at work?

6 A. No.

7 Q. Does anybody ever tell you when you have to
8 leave work?

9 A. No.

10 Q. So the schedule that you testified to is
11 simply by virtue of the bus route you were hired to
12 drive?

13 A. Yes.

14 Q. You testified earlier that you have some odd
15 jobs. Is that correct?

16 A. Yes.

17 Q. Now, if you -- And I think you said that
18 currently, you do not drive a bus for any other school.
19 Correct?

20 A. I don't.

21 Q. But if you wanted to take on a job driving a
22 bus for another school, do you have that option?

23 A. Sure.

24 Q. So it's fair to say that if you wanted to
25 drive a bus for Austin Montessori School and, say,

1 Q. And who determined that?

2 A. The school.

3 MS. JACOBS: That's all I have.

4 MR. GONZALES: You're passing the
5 witness?

6 MS. JACOBS: (Nods head.)

7 MR. GONZALES: Okay.

8 EXAMINATION

9 QUESTIONS BY MR. GONZALES:

10 Q. So just to clarify that, when you say "the
11 school," you mean the school determined the bus route.
12 Correct?

13 A. Correct.

14 Q. So you were hired to drive the bus route.
15 Correct?

16 A. Correct.

17 Q. So the school is not telling you when you have
18 to show up for work. Right?

19 A. Right.

20 Q. They're simply hiring you to drive the bus
21 route?

22 A. Yes.

23 Q. So when you say you have to be at work by
24 8:00, you simply mean to perform that specific job.

25 Correct?

1 MS. JACOBS: Objection to form.

2 A. Yes.

3 Q. (By Mr. Gonzales) And when you say that --

4 Again, that schedule you testified to is by virtue
5 of the bus route itself. Correct?

6 A. Correct.

7 Q. So when you say "the school," in fact, you're
8 talking about the bus route itself. Correct?

9 A. Yes.

10 MR. GONZALES: I'll pass the witness.

11 EXAMINATION

12 QUESTIONS BY MS. JACOBS:

13 Q. Just to be clear -- I'm sorry, strike that.

14 Are you able to take the bus to your
15 house?

16 A. I can.

17 Q. Have you ever taken the bus to your house?

18 A. A couple of times to wash it, because it was
19 my choice to do so, to wash it.

20 Q. Is there any other work that you've ever done
21 outside of the hours that are related to the bus routes
22 in the morning and the afternoon?

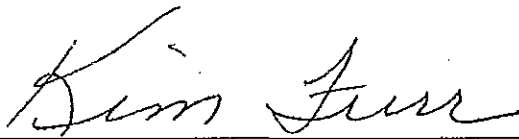
23 A. No.

24 MR. GONZALES: Objection; form.

25 MS. JACOBS: I pass the witness.

1 I further certify that I am neither attorney or
2 counsel for, related to, nor employed by any parties
3 to the action in which this testimony was taken and,
4 further, I am not a relative or employee of any
5 counsel employed by the parties hereto or
6 financially interested in the action.

7
8 SUBSCRIBED AND SWORN TO under my hand and seal
9 of office on this the 5th day of March, 2012.

10
11
12 

13 Kim Furr, CSR, RPR
14 Texas CSR 6997
15 Expiration: 12/31/2013
16 Integrity Legal Support Solutions
17 Firm Registration No. 528
18 3100 West Slaughter Lane, Suite 101
19 Austin, Texas 78748
20 (512) 320-8690
21 (512) 320-8692 (Fax)
22
23
24
25